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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,093	11/22/2000	Manish Gupta	YOR9-2000-0126-US1	6155

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EXAMINER	
GRAHAM, CLEMENT B	
ART UNIT	**PAPER NUMBER**
3628	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/721,093	GUPTA ET AL.	
	Examiner	Art Unit	
	Clement B. Graham	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 4-18 and 21-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-18 and 21-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal Brief filed on 09/08/05, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1, 4-18, 21-31, remained pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 4-18, 21-31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Boarman et al (Hereinafter Boarman U.S Patent 6, 609, 112) in view of Brett U.S Patent 6, 907, 405.

As per claim 1, Boarman discloses a data processing system for generating bids for an auction the method comprising:

Sorting a plurality of bids for a set of bidding agents ("i. e, "participants" see column 2 lines 3-57 and column 5 lines 15-35") by decreasing ("i. e, adjusting") bid amount to form a sorted set of bids (see column 2 lines 30-52)

wherein bids for the set of bidding agents are sorted using upper limits ("i. e, adjusting") for the bids for the set of bidding agents (see column 2 lines 30-52) and wherein each bidding agent in the set of bidding agents is a computer implemented process executing

in the server data processing system to generate bids on behalf of the buyer identifying a first bid ("i. e, "initial auction") from the plurality of bids for which an unallocatable portion ("i. e, "remaining two hub caps" see column 1 lines 42-49") of a requested quantity is present (see column 2 lines19-29 and column 6 lines 30-65) wherein the number of bids is higher in a sorted set of bids than the first bid column 6 lines 30-65) and, wherein each bid in the number of bids has an allocation requirement less than the unallocatable portion of the first bid, setting in the server data processing system a price for the number of bids to form a final equilibrium price and submitting to a bid engine in the server data processing system for each of the bidding agents based on the final equilibrium price. (Note Fig: 3b and see column 5 lines 60-65 and column 6 line 5 and column 6 lines 30-65).

Boarman fail explicitly teach selecting bids.

However Brett discloses the participant's preference screen 200 may also include an option that allows the auction participant to individually designate those priority rights upon which the participant wishes to bid. Instead of selecting to bid within the sections or subsections defined by the auction organizer, each participant may define his own personal bidding section. One embodiment of this invention is to allow the auction participant to define the bounds of his personal bidding section by using a mouse to "click and drag" a cursor over a portion of the graphical representation of the available priority rights. Another embodiment involves permitting the auction participant to define his personal bidding section by entering the first and last priority right identification numbers in the desired personal bidding section. (see column 19 lines 20-67 ad column 20 lines 1-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Boarman to include selecting bids taught by Brett in order to provide an auctioning system in which large numbers participants may have simultaneous access to bid.

As per claim 4, Boarman discloses, wherein the sorting step, identifying step, selecting step, and setting step are repeated for unallocated items, remaining bids, and remaining unpriced order bids. (see column 6 lines 30-40 and column 1 lines 45-60).

As per claims 5, 7-10, Boarman discloses, a method in a data processing system for generating bids for bidding agents(i. e, participants" see column 5 lines 15-35) in an auction, the method comprising:
sorting in a server data processing system a plurality of bids by decreasing ("i. e, adjusting") bid amount to form a sorted set of bids, wherein each bid includes a quantity bidding agent executing in the server data processing system to generate bids on behalf of a buyer wherein the plurality of bids includes order bids.(see column 2 lines 45-53 and Note abstract and Fig: 3a-3b and see column 3 lines 25-45 and column 5 lines 15-35)
identifying in a server data processing system a first bid requesting ("i. e, "initial auction") a quantity for which an unallocatable portion ("i. e, "remaining two hub caps" see column 1 lines 42-49") is present, a server data processing system a number of, wherein the number of order bids is higher in the sorted set of bids than the first bid and have an allocation requirement less than the unallocatable portion first bid and setting a price in the data processing system for the number of order bids to form a final equilibrium price. (see column 6 lines 30-40 and column 1 lines 45-60).
Boarman fail to explicitly teach selecting order bids from the plurality of bids.
However Brett discloses the participant's preference screen 200 may also include an option that allows the auction participant to individually designate those priority rights upon which the participant wishes to bid. Instead of selecting to bid within the sections or subsections defined by the auction organizer, each participant may define his own personal bidding section. One embodiment of this invention is to allow the auction participant to define the bounds of his personal bidding section by using a mouse to "click and drag" a cursor over a portion of the graphical representation of the available priority rights. Another embodiment involves permitting the auction participant to define his personal bidding section by entering the first and last priority right identification numbers in the desired personal bidding section. (see column 19 lines 20-67 ad column 20 lines 1-25).
Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Boarman to include selecting order bids

from the plurality of bids taught by Brett in order to provide an auctioning system in which large numbers participants may have simultaneous access to bid.

As per claim 6, Boarman discloses wherein the number of order bids is a single order bid.(see column 1 lines 15-20).

As per claim 11, Boarman discloses, wherein the price of the number of order bids is less than a price for the first bid. (see column 1 lines 45-60 and column 6 lines 30-55).

As per claim 12, Boarman discloses, wherein the number of order bids includes a bid accepting a partial allocation of a quantity for the bid. (see column 1 lines 45-60 and column 6 lines 30-55).

As per claim 13, Boarman discloses a data processing system comprising: a bus system;
a communications unit connected to the bus system; a memory connected to the bus system, wherein the memory includes as set of instructions, and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive a plurality of bids through the communications unit (see column 2 lines 6-11 and column 3 lines 50-65 and column 4 lines 5-35) sort the plurality of bids by decreasing bid amount ("i. e, adjusting") to form a sorted set of bids in which each bid includes a quantity and the plurality of bids includes order bids (see column 2 lines 45-50) identify a first bid ("i. e, "initial auction") within the sorted set of bids having a quantity in which an unallocatable portion is present ("i. e, "remaining two hub caps" see column 1 lines 42-49") in which number of order bids are higher ("i. e, adjusting") in the sorted set of bids than the first bid and have an allocation requirement less than the unallocatable portion of the first bid, set a price for the number of order bids.(see column 1 lines 45-65 and column 6 lines 30-65).
Boarman fail to explicitly teach selecting order bids from the plurality of bids.
However Brett discloses the participant's preference screen 200 may also include an option that allows the auction participant to individually designate those priority rights upon which the participant wishes to bid. Instead of selecting to bid within the sections or subsections defined by the auction organizer, each participant may define his own

personal bidding section. One embodiment of this invention is to allow the auction participant to define the bounds of his personal bidding section by using a mouse to "click and drag" a cursor over a portion of the graphical representation of the available priority rights. Another embodiment involves permitting the auction participant to define his personal bidding section by entering the first and last priority right identification numbers in the desired personal bidding section. (see column 19 lines 20-67 ad column 20 lines 1-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Boarman to include selecting order bids from the plurality of bids taught by Brett in order to provide an auctioning system in which large numbers participants may have simultaneous access to bid.

As per claim 14. Boarman discloses, wherein the bus system is a single bus. (see column 3 lines 10-65 and column 4 lines 5-35).

As per claim 15, Boarman discloses wherein the bus system includes a primary bus-and-a secondary bus. (see column 3 lines 10-65 and column 4 lines 5-35).

As per claim 16, Boarman discloses the data processing system of claim 13, wherein the processing unit includes a plurality of processors. (see column 3 lines 10-65 and column 4 lines 5-35).

As per claim 17, Boarman discloses The data processing system of claim 13, wherein the communications unit is one of a modem and Ethernet adapter. (see column 3 lines 10-65 and column 4 lines 5-35).

As per claim 18, Boarman discloses a data processing system for generating bids for an auction the method comprising:

sorting means for sortings plurality of bids for a set of bidding agents ("i. e, "participants" see column 2 lines 3-57 and column 5 lines 15-35") by decreasing ("i. e, adjusting") bid amount to form a sorted set of bids (see column 2 lines 30-52)

wherein bids for the set of bidding agents are sorted using upper limits ("i. e, adjusting") for the bids for the set of bidding agents (see column 2 lines 30-52) identifying means for identifying first bid ("i. e, "initial auction") from the plurality of bids for which an unallocatable portion ("i. e, "remaining two hub caps" see column 1 lines 42-49") of a

requested quantity is present (see column 2 lines19-29 and column 6 lines 30-65) selecting means for, wherein the number of bids is higher in a sorted set of bids than the first bid (see column 6 lines 30-65) and, wherein each bid in the number of bids has an allocation requirement less than the allocatable portion of the first bid, setting means for setting a price for the number of bids to form a final equilibrium price and submitting means for submitting a bid for each bidding agents based on the final equilibrium price. (Note Fig: 3b and see column 5 lines 60-65 and column 6 line 5 and column 6 lines 30-65).

As per claim 21, Boarman discloses, wherein the sorting means, identifying means, selecting means, and setting means are repeated for unallocated items, remaining bids, and remaining unpriced order bids.

As per claim 22, Boarman discloses a data processing system for generating bids for bidding agents in an auction, the data processing system comprising:
sorting means for sorting a plurality of bids by decreasing ("i. e, adjusting") bid amount to form a sorted set of bids, wherein each bid includes a quantity and wherein the plurality of bids includes order bids.(see column 2 lines 45-50) identifying means for identifying a first bid ("i. e, "initial auction") requesting a quantity in which an unallocatable portion ("i. e, "remaining two hub caps" see column 1 lines 42-49") is present, , wherein the number of order bids are higher("i. e, adjusting") in the sorted set of bids than the first bid and have an allocation requirement less than the unallocatable portion of the first bid, and setting means for setting a price for the number of order bids.(see column 1 lines 45-60 and column 6 lines 45-65).
Boarman fail to explicitly teach selecting means for selecting a number of bids from the plurality of bids.
However Brett discloses the participant's preference screen may also include an option that allows the auction participant to individually designate those priority rights upon which the participant wishes to bid. Instead of selecting to bid within the sections or subsections defined by the auction organizer, each participant may define his own personal bidding section. One embodiment of this invention is to allow the auction participant to define the bounds of his personal bidding section by using a mouse to

"click and drag" a cursor over a portion of the graphical representation of the available priority rights. Another embodiment involves permitting the auction participant to define his personal bidding section by entering the first and last priority right identification numbers in the desired personal bidding section. (see column 19 lines 20-67 ad column 20 lines 1-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Boarman to include selecting means for selecting a number of bids from the plurality of bids taught by Brett in order to provide an auctioning system in which large numbers participants may have simultaneous access to bid.

As per claim 23, Boarman discloses, wherein the number of order bids is a single order bid. (see column 1 lines 15-20).

As per claim 24, Boarman discloses, wherein each bid in the number of order bids is selected from the plurality of bids based on the allocation requirement, upper limit, and a time when each order bid in the number of order bids was received. (Note Fig: 3b and see column 5 lines 45-50).

As per claim 25, Boarman discloses wherein each order bid in the number of order bids is selected from. the plurality of bids based on the allocation requirement and an upper limit. (Note Fig: 3b and see column 5 lines 45-50).

As per claim 26. Boarman discloses wherein each bid in the number of order bids is selected based on the allocation requirement and the number of order bids maximize revenue. (see column 1 lines 45-60 and column 6 lines 30-40).

As per claim 27, Boarman discloses further comprising:

repeating means for repeating initiation of the selecting means and setting means for any remaining portion of the unallocatable portion and any remaining order bids in the plurality of bids. (see column 1 lines 45-60 and column 6 lines 30-55).

As per claim 28, Boarman discloses wherein the price of the number of order bids is less than a price for the first bid. (see column 1 lines 45-60 and column 6 lines 30-55).

As per claim 29. Boarman discloses wherein the number of order bids includes a bid accepting a partial allocation of a quantity for the bid. (see column 1 lines 45-60 and column 6 lines 30-55).

As per claim 30, Boarman discloses a data processing system for generating bids for an auction the method comprising:
first instructions for sorting a plurality of bids for a set of bidding agents ("i. e, "participants" see column 2 lines 3-57 and column 5 lines 15-35") by decreasing ("i. e, adjusting") bid amount to form a sorted set of bids (see column 2 lines 30-52) wherein bids for the set of bidding agents are sorted using upper limits ("i. e, adjusting") for the bids for the set of bidding agents (see column 2 lines 30-52) second instructions for identifying a first bid ("i. e, "initial auction") from the plurality of bids for which an unallocatable portion ("i. e, "remaining two hub caps" see column 1 lines 42-49") of a requested quantity is present (see column 2 lines19-29 and column 6 lines 30-65) third instructions for is higher in a sorted set of bids than the first bid column 6 lines 30-65) and, wherein each bid in the number of bids has an allocation requirement less than the unallocatable portion of the first bid, fourth instructions for setting a price for the number of bids to form a final equilibrium price and fifth instructions for submitting a bid for each of the bidding agents based on the final equilibrium. (Note Fig: 3b and see column 5 lines 60-65 and column 6 line 5 and column 6 lines 30-65).
Boarman fail to explicitly teach selecting a number of bids from the plurality of bids. However Brett discloses the participant's preference screen may also include an option that allows the auction participant to individually designate those priority rights upon which the participant wishes to bid. Instead of selecting to bid within the sections or subsections defined by the auction organizer, each participant may define his own personal bidding section. One embodiment of this invention is to allow the auction participant to define the bounds of his personal bidding section by using a mouse to "click and drag" a cursor over a portion of the graphical representation of the available priority rights. Another embodiment involves permitting the auction participant to define his personal bidding section by entering the first and last priority right identification

numbers in the desired personal bidding section. (see column 19 lines 20-67 ad column 20 lines 1-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Boarman to include selecting a number of bids from the plurality of bids taught by Brett in order to provide an auctioning system in which large numbers participants may have simultaneous access to bid.

As per claim 31, Boarman discloses a computer program product in a computer readable medium for generating bids for bidding agents in an auction, the computer program product comprising:

first instructions for sorting a plurality of bids by decreasing bid amount to form a sorted set of bids, wherein each bid includes a quantity and wherein the plurality of bids. (Note abstract and Fig: 3a-3b and see column 3 lines 25-45 and column 5 lines 15-35). includes order bids, second instructions for identifying a first bid requesting a quantity for which an unallocatable portion is present. (see column 1 lines 45-60 and column 6 lines 45-65) and third instructions for wherein the number of order bids are higher in the sorted set of-bids than the first bid and have an allocation requirement less than the unallocatable portion of the of the first bid, and fourth instructions for setting a price for the number of order bids. (Note abstract and Fig: 3a-3b and see column 3 lines 25-45 and column 5 lines 15-35).

Boarman fail to explicitly teach selecting a number of bids from the plurality of bids. However Brett discloses the participant's preference screen may also include an option that allows the auction participant to individually designate those priority rights upon which the participant wishes to bid. Instead of selecting to bid within the sections or subsections defined by the auction organizer, each participant may define his own personal bidding section. One embodiment of this invention is to allow the auction participant to define the bounds of his personal bidding section by using a mouse to "click and drag" a cursor over a portion of the graphical representation of the available priority rights. Another embodiment involves permitting the auction participant to define his personal bidding section by entering the first and last priority right identification

numbers in the desired personal bidding section. (see column 19 lines 20-67 ad column 20 lines 1-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Boarman to include selecting a number of bids from the plurality of bids taught by Brett in order to provide an auctioning system in which large numbers participants may have simultaneous access to bid.

Conclusion

5. Applicant's arguments files on 5/27/05 have been fully considered but they are moot in view of new grounds of rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628

CG

December 10, 2005